

<p>1 a student records policy that was 2 passed by the School Board for the 3 Crawford Central School District? 4 A Maybe to item, but not to me. 5 However, I never disclosed any student 6 records, only when I felt it was 7 extremely necessary to defend my job 8 and my rights. 9 Q And in that regard, we already 10 discussed the phone call you made to 11 Robin Stockton during class. And you 12 specifically told me what you 13 said --- 14 A I don't want to go through that. 15 Q --- in that phone call, correct? 16 A Oh, yeah. Poor thing. Yeah. 17 Q Who's the poor thing? 18 A Johnny, that poor little kid. 19 My gosh. I told his mother he was 20 sleeping when everybody could see that 21 he was sleeping. 22 Q And you also said that you 23 said --- 24 A That's the only thing. 25 Q --- that he didn't get a grade</p>	<p>Page 182</p> <p>1 question. 2 A Okay. Move on. 3 BY ATTORNEY HEATH: 4 Q Relative to the --- you were put 5 on two action plans, is that correct? 6 A Why don't we call them 7 harassment plan to get rid of me? A 8 plan to get rid of me. 9 Q They were called action plans; 10 is that correct? 11 A I was attaining a Master's at 12 Mercyhurst College taking management 13 classes. They were helping me. 14 Q And let me ask you this. 15 ATTORNEY HEATH: 16 This'll be Exhibit --- 18 17 or 17? 18 (de Leon Exhibit Number 19 17 marked for 20 identification.) 21 BY ATTORNEY HEATH: 22 Q And there is a date on the 23 bottom here that's 6/8/01. And is that 24 D-E-L, is that your signature? 25 A Yes.</p> <p>Page 184</p>
<p>Document 55</p> <p>for the prior period. 3 A And? 4 Q And if I may call your attention 4 to the fact that your testimony --- 5 A He didn't have that. 6 Q --- also contradicts your 7 testimony under oath at the last 8 arbitration proceeding. 9 A He didn't have a grade --- No, 10 because there is a memo. You can read 11 the memo. 12 Q You can read your arbitration 13 testimony, too. 14 A Well, you can read the memo 15 because I never said that --- I never 16 gave any information confidential. 17 They said, and you can read 18 information --- 19 ATTORNEY NICHOLS: 20 You've answered her. 21 You've answered. 22 A --- in the arbitration, because 23 I never gave --- 24 ATTORNEY NICHOLS: 25 You've answered the</p>	<p>Page 183</p> <p>1 Q So this is something that you 2 did receive, correct? 3 A And I did comply with every 4 sentence of the request. 5 Q And I asked you, did you receive 6 this? Yes or no? 7 A Yes, I did. 8 Q And in fact, this is Mr. 9 Roznowski's signature. So he was your 10 union representative that was present 11 when this was discussed with you; 12 correct? 13 A Yes, he was. 14 Q And who else was present when 15 this was discussed with you? 16 A I believe it was Mr. Deshner, of 17 course, because he gave it to me, and 18 Mrs. Deardoff, and I believe maybe Mr. 19 Higgins. I'm not sure. But I know 20 Mrs. Deardoff, Roznowski, Deshner, 21 myself. I don't know if Mr. Higgins 22 was present or not. 23 Q And as I said, this is something 24 that was discussed with you in detail; 25 is that accurate?</p> <p>Page 185</p>

<p>Page 186</p> <p>1 A Yes. And in detail I followed 2 every single directive, which I proved 3 with documentation. And the 4 arbitrators speak for themselves. 5 Q And there are areas of concern 6 that are listed on the first two pages; 7 correct? 8 A For the last 15 years, I've had 9 areas of concern, actually. 10 Q That the administration listed 11 on the first two pages; is that 12 correct? One through nine? 13 A Correct. Yeah. 14 Q And then the third page deals 15 with back to school, discipline and 16 action plan. And it discusses things 17 such as room arrangement, rules and 18 routines, and then goes on --- 19 A But I didn't have a classroom. 20 How could they do that? 21 Q And then it goes on to give you 22 management tips; correct? 23 A Let me ask you something. 24 Q I'm asking you, is that what 25 this action plan ---?</p>	<p>Page 188</p> <p>1 A --- what I did. The classes I 2 was taking at Mercyhurst, classroom 3 management, how to deal with learning 4 disability students. I was always 5 educating myself professionally. 6 That's what had helped me. All the 7 books I read, not this harassment plan, 8 because I already knew. What are you 9 talking about, this action plan? It 10 was a harassment plan to get rid of me. 11 Q So none of these management tips 12 or rules and routines or survival 13 tips ---? 14 A I read the whole book. I don't 15 need little piece of paper saying about 16 it. 17 Q None of them helped you? 18 A I had a whole entire book. I 19 showed them my book that I was taking 20 at Mercyhurst. I was attending 21 Mercyhurst. I was enrolled in 22 Mercyhurst, and they had it written 23 that I didn't show any professionalism. 24 Just to show you the extent of the 25 harassment, they said, she does not</p>
<p>Page 187</p> <p>1 ATTORNEY NICHOLS: 2 What are you asking her, 3 Counsel? 4 A The room arrangement, I didn't 5 even have a classroom, remember? I 6 came back and they took my classroom 7 away. 8 BY ATTORNEY HEATH: 9 Q Back to school discipline 10 management action plan, it discusses 11 room arrangement, rules and routines, 12 management tips, --- 13 A I think they brought that up. 14 Q --- survival tips on classroom 15 management, and more tips and tricks of 16 the trade? 17 A He crossed that out, the room 18 arrangement. 19 Q Did you find any of this 20 information helpful? 21 A Of course not. That was a 22 harassment plan. What was very helpful 23 was --- 24 Q None of this information was 25 helpful?</p>	<p>Page 189</p> <p>1 show any professionalism. 2 Q And did you speak to your 3 superiors the way you're speaking to me 4 now? 5 A Of course I did. 6 Q Of course you did? 7 A Of course I told them what I was 8 doing. 9 Q So you're raising your voice, 10 you are not listening to the questions 11 that I'm asking you, you're not 12 responding in a professional 13 manner --- 14 A Let me tell you what I did. I'm 15 telling you what I did. 16 ATTORNEY NICHOLS: 17 Counsel, please don't 18 provoke the client. She's 19 trying to cooperate. 20 ATTORNEY HEATH: 21 I think she's already 22 provoked. 23 ATTORNEY NICHOLS: 24 I mean, we're trying to 25 be reasonable.</p>

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<p>1 ATTORNEY HEATH: 2 I don't believe that. 3 ATTORNEY NICHOLS: 4 You asked that she be 5 deposed. We've been trying to 6 cooperate. But please don't 7 provoke her. 8 A And I think you have my 9 transcript. I was taking professional 10 classes. 11 ATTORNEY NICHOLS: 12 And we do demand some 13 level of respect from you, okay? 14 A You don't have to put --- 15 ATTORNEY HEATH: 16 And I have not stood up 17 and raised my voice and pounded 18 on the table. 19 A You did. You were screaming, 20 too. 21 ATTORNEY NICHOLS: 22 Well, I'm emphatic, and I 23 don't take that back because we 24 had reason to, okay? 25 A I was taking professional</p>	<p>1 A Yes, I did. 2 Q Did you review it? 3 A Of course I did. 4 Q Did you find this in any way 5 helpful? 6 A Of course not. 7 Q And that would be why? 8 A I did comply with every 9 directive. I did everything they did. 10 But what had helped me, again, I was 11 enrolled in a Master program. And I 12 think that you have a copy of my 13 transcript. I was attending classes 14 without them telling me --- you advised 15 already that I have to repeat that, 16 that I was not showing professional 17 improvement. I was attending 18 Mercyhurst College. 19 Q So you already knew everything 20 and they couldn't tell you anything? 21 A Of course not. There is always 22 room for improvement. They didn't have 23 to tell me. I did it on my own. I 24 went and signed up as soon as I was 25 feeling better mentally. Because the</p>
<p>1 courses. That's what I was telling 2 them. 3 BY ATTORNEY HEATH: 4 Q So none of that helped you? 5 A Of course not. 6 ATTORNEY HEATH: 7 Let's mark another 8 exhibit. 9 A I told them that none of it 10 helped. 11 ATTORNEY NICHOLS: 12 Just answer the question 13 you're asked. 14 ATTORNEY HEATH: 15 This will be 18 now, or 16 19? 17 A That was 17. 18 (de Leon Exhibit Number 19 18 marked for 20 identification.) 21 BY ATTORNEY HEATH: 22 Q This exhibit is an action plan 23 for the 2002 to 2003 school year, and 24 this document is three pages. Is this 25 something that you received?</p>	<p>1 vocation was pounded in my head by my 2 mother. She was a teacher. And you 3 know how many credits I have in all 4 courses in education, when there are 5 teachers in middle high school, that in 6 the last ten years, they never took a 7 class, but they were never reprimanded 8 or put in an action plan until they 9 were ready to retire, of course. 10 ATTORNEY HEATH: 11 The next exhibit, I 12 believe, is 19. 13 (de Leon Exhibit Number 14 19 marked for 15 identification.) 16 BY ATTORNEY HEATH: 17 Q This is a revised action plan 18 for the --- 19 A It was a March --- 20 Q Excuse me. I'm not finished 21 with my question. This is a revised 22 action plan for the 2002 to 2003 school 23 year, and it says revised February 24 2003. 25 A It was March 19. I have it. I</p>

<p>Page 194</p> <p>1 I have the real copy of this one. They 2 changed the date. And they fired me on 3 April 11th. They gave me a revised 4 after my suspension. After I came back 5 off the ten days suspension because of 6 immorality, they gave me a revised 7 version on March 19. That's the date I 8 have written in here. This is another 9 date. And they fired me on April 11th. 10 Q Is there anything other than the 11 date that you believe is different in 12 the content of the revised action plan? 13 A It was the same thing over and 14 over and over. 15 Q You did receive this? 16 A Of course I do. I told you I 17 have the actual --- they have March 18 19th. My lawyer has it. I gave it to 19 him. March 19th. 20 Q So what you're saying is that 21 you did receive this action plan, but 22 not --- 23 A After I came back from being 24 suspended. 25 Q --- until March 19th?</p>	<p>Page 196</p> <p>1 phone call. It went on each 2 disciplining student, which they were 3 also --- I was accused of 4 insubordination if I was not to turn 5 them in by the end of the day, which I 6 did. I handed them my discipline file, 7 my discipline folders and this. 8 BY ATTORNEY HEATH: 9 Q Well, this first exhibit, which 10 is Exhibit 20, it says discipline log, 11 and then it says two, and then there's 12 a crossed out '02 and then '03. Then 13 there's handwriting up top from Mr. 14 Higgins. It says received 2/27. And 15 was this the discipline log that you 16 turned in to Mr. Higgins on 2/27? 17 A I did. 18 Q And then Exhibit 21 indicates 19 it's received 2/28, and it's been 20 signed John Higgins. And is this a 21 second log? 22 A I did. I gave him my revised 23 version. 24 Q What was the purpose of you 25 revising the first discipline log? If</p>
<p>Page 195</p> <p>1 A March 19th. And they fired me 2 April 11th. 3 Q And again, did you review this 4 action plan? 5 A Of course I did. 6 Q And is it your testimony that 7 this, too, did not serve in any way to 8 help you or give you any enlightenment? 9 A Well, it didn't help me in two 10 weeks. After that, they fired me. 11 They gave me two weeks to try it. 12 Q Were you required, as part of 13 your action plan, to keep a daily log 14 of all disciplinary actions? 15 A I did, and you have it, too. 16 Q I'm going to show you what we'll 17 mark as Exhibits 20 and 21. 18 (de Leon Exhibits 20 and 19 21 marked for 20 identification.) 21 A In addition to having this 22 discipline log, I went farther than 23 they did because I did that for 15 24 years. I had a discipline folder for 25 each student, each detention, each</p>	<p>Page 197</p> <p>1 you kept such meticulous records, why 2 did you have to revise it? 3 A Because I have to make sure that 4 every entry was in there, to make sure. 5 Because sometimes, if I didn't put it 6 --- I put it in a main folder, and then 7 I have to file in each folder. And if 8 there was something missing, I have to 9 make sure that it was totally accurate. 10 That's what I told him. And there was 11 one class that I had to review, and I 12 said, I just need one class to review 13 it to make sure I put all the entries 14 there. And I gave it back to him. 15 Q Did Mr. Higgins ever discuss 16 with you that the information that you 17 provided to him in the folders that you 18 kept on your students relative to their 19 discipline also didn't match up in some 20 cases with the information on your 21 discipline log? 22 A But nothing did. 23 Q Pardon me? 24 A He was so meticulous to see how 25 many mistakes I had. I'm very, very</p>

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<p>1 sorry. What didn't match? I asked 2 him, what is wrong? I have him 3 detention. There is the slip. What, 4 did I make it up? Is he trying to say 5 that I made this up? I gave him my 6 files. I did. And if there was 7 something I didn't know put in this 8 that I overlooked, I'm very sorry. 9 That is what I told him. I needed more 10 time to review. 11 But I did not make up my 12 discipline problems. They were there. 13 And many pink slips, he signed them. 14 They are there. If I made a mistake 15 --- that's what I told him. I need to 16 review and see if there is something 17 missing. 18 Q So what would be the accurate 19 record, your folders or the second 20 discipline log? 21 A I would imagine the second 22 discipline log to be a little bit more 23 accurate. But my folders, as well. 24 And I gave them to him so he can 25 compare.</p>	<p>1 contained any good or helpful 2 information, it's your testimony you 3 complied with all of the directives; is 4 that correct? 5 A I did comply with all the 6 directives, and I was taking classes at 7 Mercyhurst. That's what helped me, my 8 classes at Mercyhurst, classroom 9 management, dealing with students with 10 disabilities, learning disabilities. 11 See all the classes that I took. 12 Q And when was it your finished 13 your classes at Mercyhurst? 14 A I did it a little while ago, but 15 I'm going to go through it again 16 because I know, poor thing, you have so 17 much information. But I know it's your 18 job. My son died on November --- and I 19 was already taking Mercyhurst because 20 when I came back from school, I was 21 attending Mercyhurst one week --- one 22 night a week, when I came back to work. 23 Then after they went ahead and put me 24 in the action plan and all this stress 25 again, I had to stop.</p>
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<p>1 Q And would I be fair to say that 2 you utilized the information in your 3 folders to create the discipline log? 4 Is that where you got the information 5 from? 6 A Well, of course. 7 Q I mean, was there any other 8 record you kept? 9 A I kept this in my computer, and 10 I had to bring my folders consistently 11 to my house to keep updating because I 12 couldn't do it at school. I have 13 enough schoolwork as it is typing all 14 my lesson plans, all the reading that 15 he wanted me to do, and observing all 16 the classes. I stayed until four 17 o'clock trying to keep up with all the 18 homework after suspension. There was 19 just so much I could do. So I did 20 everything I could, but I complied with 21 every directive. Although with all my 22 depression, I still was able to come to 23 work. 24 Q So despite the fact that you 25 didn't believe that the action plans</p>	<p>1 Although I took many classes, 2 there were only nine classes I needed 3 to take. Only nine out of 36. So 4 after they fired me, in September, I 5 enrolled for the last nine classes I 6 had to take. Again, I had to stop 7 because my son died. For three months, 8 I couldn't do anything. I was mentally 9 dead. 10 However, the last month, which 11 they gave me a due date, which is 12 February 2004, that was the deadline 13 for me to turn in my thesis and all the 14 rest of the work with the other two 15 classes. So actually, they gave me my 16 degree in the summer of 2004, but I had 17 to turn in my material in February 18 2004. But they gave me my diploma in 19 2004 when I went to the ceremony 20 That's when I graduated. 21 Q And what was your degree in? 22 A Bilinguals, Bicultural and 23 Special Education. A Master's. 24 Q The next exhibit I'd like to 25 show you would be 22.</p>

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<p>1 (de Leon Exhibit Number 2 22 marked for 3 identification.) 4 BY ATTORNEY HEATH: 5 Q And this is a March 20th, 2003 6 memorandum from you to Mr. Flipping, 7 re; and it reads, quote, relentless 8 negative criticism and intensified 9 harassment, end quote. With regard to 10 this document, you had mentioned 11 before, when I had asked you about 12 copying Mr. Flipping on information 13 that had students' identifications in 14 there, and you had mentioned that there 15 was one particular memo that you could 16 think of offhand, was that the memo you 17 were talking about? 18 A No, no. There was Thomas 19 something and Megan something. Aniece 20 was something else. And Pam, she had 21 said something in front of the whole 22 class, but I can't remember. So there 23 are two. 24 Q So there are at least two. 25 Would you agree with me?</p>	<p>1 director, the general director. 2 Q Is this the same student that we 3 were talking about that you called 4 Robin Stockton about? 5 A Yes. Phil Siverd. This is the 6 memo that I had sent. 7 Q And do you know if that was sent 8 to Mr. Flipping? 9 A I'm not sure, but I could have 10 because I told him about my suspension 11 and I told him I was going to grieve 12 it. But I'm not sure if I did. I sent 13 him all the information that was 14 pertaining to my complaint, everything 15 that I happened during '02. 16 ATTORNEY HEATH: 17 I'd like to mark this as 18 Exhibit 24. 19 (de Leon Exhibit Number 20 24 marked for 21 identification.) 22 BY ATTORNEY HEATH: 23 Q This is an April 30th, 2003 24 letter that was sent certified mail. 25 And was this something that you</p>
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<p>1 A Probably at least two, maybe 2 more. I'm not sure because I sent him, 3 like, regular information. 4 Q Who is Jeff Lewis? 5 A That's the director of PSEA. 6 Q And I think that there is a 7 second page, and quite frankly, it 8 could be my fault for not having it 9 copied. 10 A He is something in PSEA. 11 Q But let's mark this as Exhibit 12 23. 13 (de Leon Exhibit Number 14 23 marked for 15 identification.) 16 BY ATTORNEY HEATH: 17 Q And as I said, it looks like 18 there should be a second page to that, 19 and I'll have to double check my 20 original files to see. 21 A Probably. 22 Q But this is a memo that you had 23 written to him, and you believe he is 24 the PSEA representative? 25 A He is. I think he's the</p>	<p>1 received? And I'll direct your 2 attention to the back page, where it 3 looks like you signed off on the 4 receipt. 5 A Yes, I did. And I sent a copy 6 twice to Mr. Flipping along with my 7 portfolio, which included this, of 8 course. 9 Q And what occurred after you 10 received this letter? What did you do? 11 A I sent right away a copy to Mr. 12 Flipping, first thing. I even called 13 him to give him --- right away, as soon 14 as I was fired. And I sent him a copy 15 right away. And I sent copies to Mr. 16 Jones and I sent copies to Mr. Lewis 17 and I sent copies to my lawyer. I put 18 a file together. I sent it to all the 19 legal counsel I could, especially Mr. 20 Flipping, the first one. And I have 21 the receipts from the post office. 22 Q Now, in this letter on page 23 three, it indicates at the bottom that 24 hearing has been scheduled for 25 Wednesday, May 14th, 2003. And then it</p>

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<p>1 gives you the rights that you have and 2 the opportunity at this hearing to be 3 heard by the Board of School Directors. 4 Did you take this opportunity? 5 A. Of course not. They fired me in 6 the first place. 7 Q And so did you choose then to go 8 to arbitration? 9 A. Of course. 10 Q And as part of that arbitration 11 I --- and I understand that this is a 12 notice of hearing and statement of 13 charges, and the statement of charges 14 are listed. But also in April of 2003, 15 did you receive an unsatisfactory 16 evaluation? 17 A. Prior to everybody else on 18 September --- what is that, April 11th, 19 three months before everybody else? 20 Q. Correct. 21 A. Because I tried to, what, hit 22 Deslimer when I told him I was going to 23 fight him in court? Yes. 24 Q And I'll mark this as Exhibit 25 25 and ask you to take a look at it.</p>	<p>1 comply. They gave me that after ten 2 days, but they said, oh, no, we did. 3 No, no, they did not. They did not. 4 They did not comply with those five 5 days. It was ten days later. But the 6 arbitrator already looked at this. 7 Q And since we're speaking of what 8 the arbitrator upheld, didn't he uphold 9 your termination? 10 A. Probably because they pay him. 11 I'm sure they did. If he would have 12 read all the information and seen all 13 the true harassment I went through, all 14 the suffering and all the heartache, my 15 gosh. Anyway, he was paid for that. 16 I'm sure. 17 Q But you want to rely on some of 18 what he said, but not all of what he 19 said? 20 A. Of course. Wouldn't you? 21 Q Just so the record is clear, 22 Exhibit 26 is policy 412, which is the 23 evaluation of professional employees. 24 A. Which they did not follow. 25 Q And the school code is ---</p>
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<p>1 (de Leon Exhibit Number 2 25 marked for 3 identification.) 4 BY ATTORNEY HEATH: 5 Q And the last two exhibits I'll 6 show you, we'll mark as 26 and 27. 7 (de Leon Exhibits 26 and 8 27 marked for 9 identification.) 10 WITNESS REVIEWS DOCUMENTS 11 A. You see, they did not comply. 12 They're supposed to, if they were going 13 to fire me, five days after this 14 observation. They gave me the 15 observation ten days later just to 16 criticize me and to fire me. They did 17 not even comply within five days, which 18 is what I tried to tell --- 19 BY ATTORNEY HEATH: 20 Q Which observation are you 21 talking about? 22 ATTORNEY NICHOLS: 23 Exhibit 26. 24 A. Exhibit 27, which I tried to 25 tell Mr. Johnson that they did not</p>	<p>1 A. Only when it is convenient to 2 them. The same. They do the same 3 thing, but worse. They got rid of me. 4 Now they're happy. That's why we are 5 here. 6 Q And relative to the last 7 arbitration, wasn't this information 8 that was before Arbitrator Amis, policy 9 412? 10 A. I don't think he read it. I 11 don't think he read it. 12 Q And also, Exhibit 27 is the 13 professional evaluation instrument, 14 which includes the philosophy and 15 rationale of the Crawford Central 16 evaluation. 17 A. Which they did not follow. 18 Q Does it say in the first 19 paragraph here that the primary 20 objective must certainly be to foster 21 dedication and positive attitudes in 22 order to improve instruction? 23 A. Well, shouldn't that be from the 24 supervisors, as well? 25 Q Doesn't that say that in the</p>

<p>Page 210</p> <p>1 First paragraph?</p> <p>2 A Do as your --- what is that? Do</p> <p>3 as I do?</p> <p>4 ATTORNEY NICHOLS:</p> <p>5 Which exhibit are you</p> <p>6 referring to?</p> <p>7 ATTORNEY HEATH:</p> <p>8 Twenty-seven (27), the</p> <p>9 professional evaluation</p> <p>10 instrument.</p> <p>11 A This should be examples of</p> <p>12 professionalism.</p> <p>13 ATTORNEY NICHOLS:</p> <p>14 Do we have 27? Oh, you</p> <p>15 have it?</p> <p>16 A It is here. It is good for</p> <p>17 their convenience, but not to apply on</p> <p>18 me. Because remember, they wanted to</p> <p>19 fire me by the book.</p> <p>20 BY ATTORNEY HEATH:</p> <p>21 Q And that was ultimately upheld</p> <p>22 by the arbitrator, correct?</p> <p>23 A After my lawsuit was admitted in</p> <p>24 court, then he remembered, oh, by the</p> <p>25 way --- what is the word that he used?</p>	<p>Page 212</p> <p>1 I'm Hispanic or not. I don't really</p> <p>2 know what the circumstances were. But</p> <p>3 that happened in one incident. I'm</p> <p>4 talking about here, years and years and</p> <p>5 years of harassment, of retaliation, of</p> <p>6 discrimination, different treatment,</p> <p>7 double standards. Look at the</p> <p>8 records ---.</p> <p>9 Q And everybody's involved,</p> <p>10 including the union representatives and</p> <p>11 the administrators and the arbitrators?</p> <p>12 A Well, they have their job.</p> <p>13 They're getting a paycheck.</p> <p>14 Q You didn't take any issue with</p> <p>15 the prior arbitrators' Decisions,</p> <p>16 however, ---</p> <p>17 A Of course not.</p> <p>18 Q --- that were favorable to you.</p> <p>19 A Of course. Because they were</p> <p>20 fair and they were not paid.</p> <p>21 Q And they were not in the</p> <p>22 conspiracy?</p> <p>23 A They were honest. They had</p> <p>24 integrity. They were professional.</p> <p>25 They were ethical. So we'll see what</p>
<p>Page 211</p> <p>1 I can't remember the word. But he</p> <p>2 remembered after. He couldn't rule</p> <p>3 that before, but he said he was willing</p> <p>4 to wait for my appeal. And when the</p> <p>5 appeal went through, and it was denied</p> <p>6 for them, and then my lawsuit was</p> <p>7 accepted by law, then he remembered</p> <p>8 that, oh, by the way, wasn't she rude?</p> <p>9 Didn't she try to beat Deshner? Poor</p> <p>10 man. Oh, yeah. That poor little</p> <p>11 thing.</p> <p>12 Q So everybody's in the</p> <p>13 conspiracy, the state police, the</p> <p>14 arbitrators, the administrators, ---?</p> <p>15 A Not the state police. What does</p> <p>16 the state police have to do with it?</p> <p>17 Q Well, you said that they thought</p> <p>18 you were Hispanic and that's why they</p> <p>19 pulled you over for a DUI.</p> <p>20 A I don't really know what they</p> <p>21 did. To tell you the truth, I think it</p> <p>22 was to try their tires. I think that</p> <p>23 they just got them, they were brand</p> <p>24 new. I don't really know because I</p> <p>25 don't even think that you could see if</p>	<p>Page 213</p> <p>1 happens with that man.</p> <p>2 ATTORNEY HEATH:</p> <p>3 I'm going to reserve the</p> <p>4 right to recall her. And I</p> <p>5 indicated I was going to be</p> <p>6 filing a motion on Thursday, but</p> <p>7 given the fact that the</p> <p>8 transcript won't be finished by</p> <p>9 then, I will be filing a motion</p> <p>10 that will be three-fold. The</p> <p>11 first will involve the tax</p> <p>12 issue.</p> <p>13 The second will involve</p> <p>14 the way in which these</p> <p>15 proceedings are being handled.</p> <p>16 And the fact that I believe that</p> <p>17 the Plaintiff is in violation of</p> <p>18 the directive of the Court</p> <p>19 relative to fair discovery</p> <p>20 proceedings, and also with the</p> <p>21 Federal Rules of Civil</p> <p>22 Procedure.</p> <p>23 And third, I'm going to</p> <p>24 encompass a motion to dismiss</p> <p>25 under Rule 41(b) that in fact,</p>

<p>Page 214</p> <p>1 there is a flagrant disregard to 2 the Court's order and request 3 that either the case be 4 dismissed or the Plaintiff be 5 directed to comply properly, as 6 she should, in accordance with 7 the law. Now you have the 8 opportunity to question your 9 client.</p> <p>40 ATTORNEY NICHOLS: 41 Okay. I'm Caleb Nichols. 42 I'm representing Ms. de Leon in 43 this proceeding, the Plaintiff 44 in this proceeding. And first 45 of all, there is an item I'm 46 going to put in --- it's to the 47 School District. It's a claim 48 for unpaid wages. And this 49 arose out of the Opinion award 50 rendered by Arbitrator Amis. 51 Arbitrator Amis, on the 52 particular charge, leveled and 53 lodged against my client by Mr. 54 Dolecki that she committed 55 immorality by submitting student</p> <p>Page 215</p> <p>1 records to Mr. Flipping and 2 other members of the PHRC. He 3 specifically ruled that the 4 School District did not prove 5 that particular claim. 6 Therefore, he set it aside and 7 validated it and cordially made 8 adjustments with respect to the 9 number of days of suspension. 10 She had been suspended 11 for five days. He reduced that 12 to three days. And accordingly, 13 he also ruled that she should be 14 made whole for those two days. 15 We filed a written claim. I 16 would ask --- now, how should we 17 mark this?</p> <p>118 ATTORNEY HEATH: 119 Just for the record, 120 again, not to mix apples and 121 oranges here, I understand what 122 you're saying. But this really 123 is not part and parcel to the 124 federal suit. What this is, is 125 a separate issue.</p>	<p>Page 216</p> <p>1 ATTORNEY NICHOLS: 2 It's a claim for wages. 3 ATTORNEY HEATH: 4 Now that this appeal of 5 the termination relative to the 6 arbitration Decision has been 7 put into litigation, and I 8 believe you had tried to have 9 standing to appeal the matter, 10 and it was ruled that you didn't 11 have standing to appeal the 12 matter. But this is something 13 that, again --- and I will 14 certainly be happy to take it to 15 Mr. Beard, but this is a 16 separate issue and is not 17 involved with the federal issue. 18 But I will ---</p> <p>19 ATTORNEY NICHOLS: 20 It's a state claim issue. 21 ATTORNEY HEATH: 22 --- certainly bring it to 23 his attention. 24 ATTORNEY NICHOLS: 25 Right. Okay.</p> <p>Page 217</p> <p>1 ATTORNEY HEATH: 2 But I don't necessarily 3 think it should be part of this 4 record. 5 ATTORNEY NICHOLS: 6 Well, since it grows out 7 of the issues that have been 8 discussed here today, and I 9 don't think you refute that, 10 that issue as put forward today, 11 and since it, as a matter of 12 fact, has been discussed today, 13 I think it would be proper to 14 mark it. Since it is a state 15 law based claim, I would ask 16 that if Counsel, as you say, you 17 would take it to Mr. Beard 18 because he was more intimately 19 involved in this than you 20 were ---</p> <p>21 ATTORNEY HEATH: 22 Well, what I'm saying is 23 I don't necessarily want the 24 Court --- but I need to have 25 that ---</p>
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<p>Page 218</p> <p>1 ATTORNEY NICHOLS: 2 Yes. 3 ATTORNEY HEATH: 4 --- as opposed to having 5 her mark it as an exhibit and 6 take it and put it with the --- 7 ATTORNEY NICHOLS: 8 Well, I would just simply 9 ask that it be marked since it 10 grows out of the factual issues 11 that have already been on the 12 record and been discussed here. 13 ATTORNEY HEATH: 14 That his Decision by 15 marked? 16 ATTORNEY NICHOLS: 17 It's very copious here 18 today. 19 ATTORNEY HEATH: 20 That his Decision be 21 marked? 22 ATTORNEY NICHOLS: 23 What it is, it's on 24 behalf of my client, my written 25 statement for a claim of unpaid</p>	<p>Page 220</p> <p>1 A They were written. 2 Q All of them were written? 3 A I have them. 4 Q Okay. 5 A Do you want a copy of that? 6 Q No, no. I just wanted --- you 7 answered my question. 8 A After he denied me union 9 representation, he came up with this 10 story and a piece of paper. April 1st. 11 Q Okay. And on all occasions, 12 they were reduced to writing, the 13 tardies? 14 ATTORNEY HEATH: 15 Can you give the year? 16 You're saying April 1st. 17 A I 1996, 1995. I want to say '95 18 or '96. 19 BY ATTORNEY NICHOLS: 20 Q Could it have been '97 as well? 21 A No. The one that Higgins gave 22 me, that was in 2002. 23 Q Okay. All right. 24 A The one that Higgins gave me. 25 But Deslner, it was after he denied me</p>
<p>Page 219</p> <p>1 wages, and then together with 2 that, referencing a copy of 3 Arbitrator Amis' Decision, the 4 pages where he made such a 5 ruling. That's all. 6 ATTORNEY HEATH: 7 Okay. May we just get a 8 quick copy of it so that I can 9 have it, and she can mark it? 10 SHORT BREAK TAKEN 11 (Plaintiff's Exhibit 12 Number One marked for 13 identification.) 14 EXAMINATION 15 BY ATTORNEY NICHOLS: 16 Q I do have a few more questions. 17 Ms. de Leon, during the course of 18 questions posed by Ms. Heath, there was 19 a discussion regarding tardies which 20 had been assessed to you by Mr. 21 Deslner. And I'm not clear from the 22 record that these various tardies --- 23 there are more than one, right? The 24 tardies that were issued to you by Mr. 25 Deslner, were they written or verbal?</p>	<p>Page 221</p> <p>1 union representation. He gave me a 2 whole list. Perhaps '95, '96. I don't 3 want to be inaccurate. 4 Q Okay. Also during the course of 5 the deposition today, Ms. Heath has 6 called your competence into question by 7 way of giving you a spelling test. For 8 the record, since your competence has 9 been called in question, one, when were 10 you first employed with the School 11 District? 12 A I was employed in several school 13 districts as a substitute and I worked 14 for an intermediate unit for one year 15 and a half. 16 Q Okay. And that was prior to 17 --- what years are we talking about? 18 A I graduated in 1986, at Edinboro 19 University. And in 1987 --- 20 Q What was your degree in? 21 A It was a Bachelor of Science 22 with an emphasis in Spanish to teach, a 23 certification to teach Spanish I 24 through 12, K through 12. 25 Q And then subsequently,</p>

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<p>1 immediately subsequent to your 2 completion of Edinboro University, you 3 started teaching?</p> <p>4 A I placed several applications in 5 several school districts to be a 6 substitute. In an intermediate unit, I 7 had ESL, English as a second language. 8 Q All right. How long did you 9 teach English as a second language?</p> <p>10 A One year and a half. Eighteen 11 (18) months. Well, at the same time, I 12 was substituting a few days whenever 13 they called me. 14 Q In the end, you were employed 15 with the district ---?</p> <p>16 A Not yet. Not yet. I also 17 taught one semester at Mercyhurst Prep, 18 and I taught one semester ---. 19 Q What did you teach there?</p> <p>20 A Spanish. 21 Q Okay. 22 A And I taught one semester in 23 Saegertown High School while the 24 teachers were on sabbatical. 25 Q Also Spanish?</p>	<p>1 Q As a Spanish teacher?</p> <p>2 A Uh-huh (yes). Correct. 3 Q And that was at Crawford Central 4 School District?</p> <p>5 A Crawford Central School 6 District. 7 Q And just briefly, in terms of 8 your professional degrees, state them 9 for the record. 10 A Well, I have a minor in music 11 because that's what I did in Mexico 12 City. I was a music teacher for 13 Janahai (phonetic), Mexico, and the 14 music education of the Palace of Fine 15 Arts. That was supposed to be my 16 major, music teacher. When I came 17 here, I decided just to get my minor. 18 I didn't want to go into music because 19 I knew that it was going to be very 20 difficult for me to find a job. And I 21 thought, maybe if I go into Spanish, 22 then I won't be fighting for my job. 23 And since I'm a native of the 24 country, I have a lot more to offer to 25 my students in addition to my cultural</p>
Page 223	Page 225
<p>1 A Spanish. And then I worked for 2 Erie School District, only for three 3 weeks because they killed their Spanish 4 teacher. They actually killed him. I 5 found his diary. They found him dead 6 in his house. 7 And then since I had already 8 signed a contract to substitute for a 9 teacher in Saegertown High School, 10 that's why I couldn't stay in this one. 11 Then I went to Saegertown High School. 12 Then I heard that there was a position 13 in Cochran High School. That was in 14 1989, for September 1989. So in the 15 summer, I came and applied. And then 16 Mr. Lescola --- 17 Q You were there full time? 18 A It wasn't full time. 19 Q Starting in 1989? 20 A Substituting on a permanent 21 basis. 22 Q Okay. 23 A In 1989. 24 Q In 1993, you were tenured? 25 A I was tenured. Correct.</p>	<p>1 background. So I decided to go for 2 Spanish and minor in music. Then when 3 I went back to Mercyhurst --- actually, 4 before that, I continued taking 5 courses. I had 40 courses, which 6 qualified me to get a Master's 7 equivalency from the State in 8 Harrisburg because I took that many 9 courses in different universities. 10 And then finally, when they told 11 me that there was an assistance that 12 was offered only to people --- there 13 were six of us. They were paying me to 14 go to Mercyhurst and they would give me 15 stipend. And that was in 1999 before I 16 came back to work. So they paid for my 17 courses and they were giving me 18 stipend, and then I began the Master's, 19 Bilingual, Bicultural and Special 20 Education. 21 Q Okay. So you've got the 22 B.A./B.S. Bachelor's degree from 23 Edinboro in what year? 24 A 1986. 25 Q And then you got a Master's</p>

<p>Page 226</p> <p>1 degree from Mercyhurst in what year? 2 A: It was 2004. It should have 3 been 2003. 4 Q: Okay. And based upon your 5 academic work at Mercyhurst, you also 6 acquired a Master's equivalency by the 7 State; is that correct? 8 A: That was before that. That was 9 before that. I got the Master's 10 equivalency in 1999. 11 Q: Okay. Have you continued to 12 pursue continuing education? 13 A: Not right now. 14 Q: I mean, since you commenced your 15 career with the school district in 16 1989. 17 A: Oh, yes, of course. I 18 continued. Oh, yeah. Throughout the 19 whole ---. 20 Q: You continued? 21 A: Yeah. Taking courses all the 22 time. 23 Q: Okay. Just one other question 24 that I have to ask you. Ms. Heath 25 alluded to your DUI charge. What's the</p> <p>Page 227</p> <p>1 position of that? 2 A: It's expunged. 3 Q: It was expunged. 4 A: Uh-huh (yes). 5 Q: And why did the authorities 6 expunge it? 7 A: Well, because that incident, 8 after seven years, you can expunge all 9 the records, especially if you don't 10 have any alcohol problems or you don't 11 break the rules again. So that's why. 12 ATTORNEY NICHOLS: 13 Okay. All right. Thank 14 you. 15 EXAMINATION 16 BY ATTORNEY HEATH: 17 Q: I just have one quick follow-up. 18 You had indicated that you had gotten 19 part of your education paid for in a 20 stipend? 21 A: Uh-huh (yes). 22 Q: Who paid for that? 23 A: Mercyhurst College did. 24 Q: Through a grant or a 25 scholarship?</p>	<p>Page 228</p> <p>1 A: It was a grant. From what I 2 understand, Mr. --- I'm having so much 3 trouble remembering names. But he was 4 my counselor, and he's the chairman of 5 the department of education in 6 Mercyhurst College. 7 Q: Were those grants given to 8 minorities? 9 A: There was a grant that he got, 10 and there were only six of us. No, 11 they were not just minorities. There 12 was another girl from Ecuador and 13 myself. The other four were American. 14 There were six of us. 15 Q: And what was it based on to 16 qualify? Is it academics? 17 A: You needed to have ---. 18 Q: Economic need? 19 A: No. It was not economic. It 20 was according to your QPA, whatever you 21 needed, to have a Bachelor's of Science 22 already, and have a Bachelor's in a 23 foreign language, because it was 24 Bilingual/Bicultural, whether you were 25 in French, whether you were in German.</p> <p>Page 229</p> <p>1 But you had to be certified in a 2 foreign language in order to be --- and 3 of course, you would have to take a 4 test. It was the Miller's Test I would 5 have to take in order to be accepted 6 into the program. And a minimum of, I 7 believe it was 3.0 on your --- I had 8 three point something. So whatever, I 9 filled the requirement in order to be 10 accepted. But then the grant ran out, 11 and when I went back, then I had to 12 pay. 13 Q: And how did you pay? 14 A: I borrowed the money. I still 15 owe them to PHEAA, to one of these 16 loans at Stafford. I have the 17 paperwork. I'm paying just the 18 interest right now. 19 ATTORNEY HEATH: 20 Thank you. 21 ATTORNEY NICHOLS: 22 Okay. That's all. 23 ***** 24 EXAMINATION CONCLUDED AT 2:31 P.M. 25 *****</p>
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2 COUNTY OF ERIE)
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C E R T I F I C A T E

I, Shannon C. Fortsch, a Notary Public in and
for the Commonwealth of Pennsylvania, do hereby
certify:

That the witness whose testimony appears in
the foregoing deposition, was duly sworn by me on
said date and that the transcribed deposition of
said witness is a true record of the testimony
given by said witness;

That the proceeding is herein recorded fully
and accurately;

That I am neither attorney nor counsel for,
nor related to any of the parties to the action in
which these depositions were taken, and further
that I am not a relative of any attorney or
counsel employed by the parties hereto, or
financially interested in this action.

Shannon C. Fortsch

Shannon C. Fortsch, Reporter

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